REMARKS

Claim 8 has been rejected under 35 U.S.C. 112, second paragraph, because of the lack of antecedent basis for the words "said major dimension". Claims 1, 6 and 7 have been rejected under 35 U.S.C. 102(b) as being anticipated by Burkhart, et al (U.S. Patent 5,538,072). Claims 9, 10, 17 and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhart. Claims 2-5, 8, 19 and 20 have been objected to as being dependent on a rejected base claim, but have been indicated to be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 11-16 have been allowed.

Claims 1, 6, 7 and 17 have cancelled and new claims 21 and 22 have been added so that the remaining claims are claims 2-5, 8-16 and 18-22 . Claim 2 has been rewritten in independent form with all of the limitations of its base claim (claim 1). Therefore, claim 2 and the claims dependent thereon, namely claims 3-5 and 8-10, should be in condition for allowance. In view of the allowance of claims 11-16, the only claims that will be discussed hereinbelow are claim 8 (in view of the rejection under 35 U.S.C. 112) and claims 18-22.

1. The Rejection Under 35 U.S.C. 112

Claim 8 has been amended to change "said major dimension" to "a major dimension of said coil". Therefore, it is believed that the rejection of claim 8 under 35 U.S.C. 112 has been overcome and that claim 8 is in condition for allowance.

2. The Rejection Under 35 U.S.C. 102(b)

It is believed that the rejection under 35 U.S.C. 102(b) is no longer applicable since all of claims rejected under 35 U.S.C. 102(b), namely claims 1, 6 and 7, have been cancelled.

3. The Rejection Under 35 U.S.C. 103(a)

To establish a *prima facie* case of obviousness under 35 U.S. C. 103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine reference teachings. *M.P.E.P.* §2143. The cited reference, Burkhart, et al, teaches a heat pump system having an indoor heat exchanger coil 16, a blower 14 located downstream of coil 16 and an electric heater module 17 located downstream of blower 14, as can be best seen in FIG. 1. As can be best seen in FIG. 2,

heater module 17 includes plural electrical heating elements 29 extending rearwardly into supply air plenum 13 (see column 4, lines 20-23). Blower 14 draws air through a return air duct 12, upwardly through coil 16, and discharges the air through heater module 17. This is the typical prior art configuration described in the Background Art section of Applicants' Specification, wherein the heating elements are located downstream of the blower. See page 1, lines 9-15 of the Specification.

New claim 21 claims an air conditioning apparatus that includes a blower housing having an open mouth through which air is dischargeable by the blower in a predetermined direction and an electric heater located in the housing with the blower. Claim 21 further recites that the electric heater is positioned laterally with respect to the blower and that the blower is operable to move air laterally toward the electric heater and upwardly therethrough before the air is discharged from the blower housing though the open mouth.

By way of contrast, in Burkhart, et al's system, the electric heater module is not located in the blower housing and is not positioned laterally with respect to the blower, but rather is downstream of the blower with respect to the direction of air flow through cabinet 11, so that the air does not pass through the heater module until after it is discharged from the blower housing. Although Burkhart, et al does not show the open mouth of the blower housing, one skilled in the art would understand that Burkhart, et al's blower housing has an open mouth through which air is discharged from the blower housing into the heater module.

New claim 22, which depends on claim 21, further recites that the blower housing has a curved portion and a relatively flat portion and that the electric heater projects into the blower housing from the relatively flat portion. Burkhart, et al shows a curved portion of the blower housing, but does not show a relatively flat portion thereof. Even if Burkhart, et al's blower housing included a relatively flat portion, Burkhart, et al does not teach or suggest that the electric heater projects into the blower housing from the relatively flat portion thereof. On the contrary, in Burkhart, et al's system the electric heater is located above (i.e., in the downstream direction with respect to the air flow) the blower housing and does not project into the blower housing from any part thereof.

Amended claim 18, which depends on claim 22, further recites that the electric heater includes a relatively flat plate that is insertable into the blower housing through an opening in the relatively flat portion and closes off the opening to form a part of the relatively flat portion of the blower housing. Although Burkhart, et al's heater module includes a flat plate, the plate is not removably mounted with any part of the blower housing and forms no part thereof.

Amended claim 19, which depends on claim 22, further recites that the electric heater includes at least one heating coil oriented generally parallel to said predetermined direction and that the coil has a relatively straight portion that is generally parallel to the relatively flat portion of the housing wall and a curved portion that is generally parallel to the curved portion of the wall. Burkhart does not show or suggest an electric heater with the configuration claimed in claim 19.

Amended claim 20, which depends on claim 22, further recites that the electric heater includes at least one generally U-shaped coil having parallel legs extending along the predetermined direction of the air flow and that each leg has a relatively straight portion that is generally parallel to the relatively flat portion of the wall and a curved portion that is generally parallel to the curved portion of the wall. Burkhart does not show or suggest an electric heater with the configuration claimed in claim 20.

In view of the foregoing, it is believed that claims 18-22 are also in condition for allowance and that the case should be advanced to issue with allowed claims 2-5, 8-16 and 18-22. No additional fee is believed to be due.

Respectfully submitted,

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